



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/618,955	07/19/2000	Edgar Allan Tu	FUSN1-01103US0	2141

28554 7590 08/06/2003

VIERRA MAGEN MARCUS HARMON & DENIRO LLP
685 MARKET STREET, SUITE 540
SAN FRANCISCO, CA 94105

EXAMINER

EL HADY, NABIL M

ART UNIT	PAPER NUMBER
----------	--------------

2154

DATE MAILED: 08/06/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/618,955

Applicant(s)

TU ET AL.

Examiner

Nabil M El-Hady

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 2154

1. Claims 1-9 are pending in this application.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 5, 7, and 9 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The following terms lack antecedent basis:

a) "the internet service provider", claim 5, line 4, claim 7, line 4, and claim 9, line 4.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 6, and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Johnson (US 2002/0047471 A1)

6. As to claim 8, Johnson discloses the invention as claimed including a method for securely communicating data associated with the base device to a remote access system (Fig.

Art Unit: 2154

1; and abstract) comprising initiating data communication by the base device with the remote system ([0051], lines 30-47; and Fig. 2), retrieving, storing, updating and deleting data associated with the base device according to commands received by the base device from the remote access system ([0047], lines 13-15).

7. Johnson does not specifically disclose retrieving, storing, updating and deleting data. However, these processes are inherent in "transference of data associated therewith" of ([0047], lines 13-15).

8. As to claim 1, the claim is rejected for the same reason as claim 8 above. In addition, Johnson discloses a secure agent system (106, Fig. 1) in a base device (103, Fig. 1) configured to be coupled with a remote access system (128, 121, 124, 127, Fig. 1), the base device comprising a server communication module and a job handler module (109, 112, Fig. 1).

9. As to claim 6, the claim is rejected for the same reason as claims 1 and 8 above. In addition, Johnson discloses a program storage device readable by a machine, tangibly embodying a program of instructions executable by the machine to perform the above method (page 11, claim 15).

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2154

11. Claims 2-5, 7, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson (US 2002/0047471 A1) in view of Johnson (US 2002/0016912 A1), hereafter "Johnson2".

12. As to claim 2, Johnson does not explicitly disclose periodically transmitting task connection requests to the remote access system. However, Johnson2 discloses periodically transmitting task connection requests to the remote access system ([0037], lines 5-9). It would have been obvious to one skilled in the art at the time of the invention to combine the teachings of Johnson and Johnson2 in order to offer a remote user the flexibility of providing parameters required to manage the remote access.

13. As to claim 3 and 4, Johnson discloses communicating task connection replies to the job handler module and to transmit task connection reply data (inherent in [0047], lines 13-15).

14. As to claims 5, 7, and 9, the claims are rejected for the same reasons as claims 1, 6, and 8 above. Johnson does not explicitly disclose a wake-up module to monitor the base device for a wake-up signal to connect the base device. Johnson2, however, discloses a wake-up signal to connect the base device (inherent in ([0037], lines 5-9). It would have been obvious to one skilled in the art at the time of the invention to combine the teachings of Johnson and Johnson2 in order to offer a remote user the flexibility of providing parameters required to manage the remote access.

15. Johnson does not explicitly disclose connecting the base device to Internet service provider. However, it would have been obvious to one skilled in the art at the time of the

Art Unit: 2154

invention that Johnson's remote access system may be accessible to the base device through an Internet service provider if the remote access system is connected to the Internet.

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Zeanah et al. (US 5,933,816) ; Chen et al. (US 6,061,796) ; Hummel Jr. et al. (US 6,584,454 B1); page et al. (US 5,329,619) ; Havery (US 6,189,096) ; and Kennedy, III et al. (US 6,535,743 B1).

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nabil M El-Hady whose telephone number is (703) 308-7990. The examiner can normally be reached on 9:00 - 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai T An can be reached on (703) 305-9678. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Art Unit: 2154

A handwritten signature in black ink, appearing to read "N. El-Hady". The signature is fluid and cursive, with a long, sweeping underline that extends downwards and to the right.

Nabil El-Hady, Ph.D, M.B.A.
Primary Patent Examiner
August 3, 2003